

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

)
JOHN CONTEH,)
)
Petitioner,)
) C.A. No. 05-10586-RCL
v.)
)
SHERIFF OF PLYMOUTH COUNTY)
JAIL, et al.,)
)
Respondents.)
)

**RESPONDENTS' MOTION TO EXTEND TIME
IN WHICH TO RESPOND TO PETITIONER'S WRIT OF HABEAS CORPUS**

Now comes the above-captioned Respondents,¹ Alberto Gonzales, United States Attorney General and BICE District Director, hereby move this Court for an extension of time **up to and including May 1, 2005**, to answer or otherwise respond to Petitioner's habeas petition. As reasons therefore, the undersigned counsel for Respondents asserts that although the petition is captioned under 18 U.S.C. § 2241, after review, it is properly a § 2255 petition. Thus, the matter has been transferred to this office's criminal division which needs this additional time to form a proper response. Further, the additional time will be necessary to obtain the relevant facts

¹ This motion is not intended to be a responsive pleading. By the filing of this motion, Respondents are not waiving any of the procedural, affirmative, or other waivable and non-waivable defenses available to them in the normal course of filing a responsive pleading. Respondents intend to raise those defenses when it answers or otherwise responds to the Petition.

and background information of this matter from the U.S.

Attorney's office in the Southern District of New York.

WHEREFORE, Respondents respectfully request that this Court allows its motion for an extension of time **up to and including May 1, 2005**, to answer or otherwise respond to the Petition.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

/s/ Michael Sady

By: Michael Sady
Assistant U.S. Attorney
John Joseph Moakley U.S. Courthouse
Suite 9200
Boston, MA 02210
(617) 748-3100

Dated: April 11, 2005

CERTIFICATE OF SERVICE

I certify that on, I caused a copy of the foregoing Motion to be served by first class mail, postage pre-paid to Petitioner John Conteh at Plymouth County Correctional Facility, 26 Long Pond Road, Plymouth, MA 02360.

/s/ Michael Sady

Michael Sady
Assistant U.S. Attorney

CERTIFICATION UNDER L.R. 7.1

Because Petitioner is a prisoner currently incarcerated in a correctional facility, counsel for the United States respectfully requests leave to file this Motion without a 7.1 conference.

/s/ Michael Sady

Michael Sady
Assistant U.S. Attorney